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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,730	08/18/2003	Chandrasekhar Narayanaswami	YOR920030211US1	4685
23334 7590 09/20/2007 FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			EXAMINER ARAQUE JR, GERARDO	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<p><b>Application No.</b></p> <p align="center">10/643,730</p>	<p><b>Applicant(s)</b></p> <p align="center">NARAYANASWAMI, CHANDRASEKHAR</p>	
	<p><b>Examiner</b></p> <p align="center">Gerardo Araque Jr.</p>	<p><b>Art Unit</b></p> <p align="center">3629</p>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **McClung, III (US Patent 7,107,225 B1)** in view of **Thakur et al. (US PGPub 2002/0194069 A1)**.
4. In regards to **claims 1, 8, and 15**, **McClung** discloses a method for offering purchase price protection for a product and/or service, the method comprising the steps of:  
  
receiving, by a first web site, information directly from a user, the information being associated with a product and/or service that was purchased by the, wherein the information includes the purchase price of the product and/or service and wherein the vendor offers purchase price protection for the product and/or service (**Col. 2 Lines 8 – 30; Col. 5 Lines 41 – 54**);

determining, a price for the product and/or service (**Column 2 19 – 23**);

determining whether the user is due a purchase price protection refund based on the price determined at the second web site (**Column 1 Lines 39 – 45; Column 3 lines 17 – 22**); and

sending an indication to the user indicating that the purchase price protection refund is due (**Column 1 Lines 58 – 60; Column 3 Lines 17 – 22**).

**McClung** further discloses, in certain embodiments, an improvement for a method for generating vendor information including contacting a host system by a consumer identifying at least one vendor doing business in a pertinent geographic area and retrieving from the host system information related to the vendor. The improvement including providing a method to guarantee to the consumer a better price or a best price on items or services purchased from the vendor for a predetermined time period following a transaction.

However, **McClung** fails to explicitly disclose whether a consumer performed the purchase at the host system or at the vendor's web site. In spite of this, **McClung** fully incorporates the patent application, "Business System" by Thakur et al., wherein Thakur discloses the communication system between a host system, consumer, and vendor.

**Thakur** discloses that a consumer makes an initial inquiry to the host system and fills out a host system questionnaire. The host system can further keep a record of the consumer's transactions with each vendor in its database including payments, discounts refunds, and accounting transactions. As can be seen in Fig. 1, the consumer can perform transactions directly with the vendor and provide any necessary information to

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complete the host system questionnaire. The host system is also in communication with the vendor and the consumer, as well. As a result, it would have been obvious for a consumer to purchase a product from a vendor, provide the vendor information to the host system, having the host system search for the vendor within the host system database, and have the host system be in communication with the vendor in order to monitor any transactions made between the vendor and the consumer (**See Fig. 1, Page 5 – 6 ¶ 57, 61 – 64; Page 7 ¶ 74**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **McClung** in view of the teachings of **Thakur** to provide a system where a consumer can perform a transaction with a vendor, provide the vendor information to a host system, and have the host system be in communication with the vendor in order to monitor any transactions made between the vendor and consumer in the event that a refund or discount is applicable.

5. In regards to **claims 2, 9, and 16**, **McClung** discloses wherein the first web site includes a web page having a list of text fields and identifiers for the user to enter at least one of the following information associated with a product and/or service that was purchased by the user from the second web site, the user thereby providing information directly to the first web site (**Column 4 Lines 8 – 30**):

- a name of the product and/or service;
- a description of the product or service;
- an identifier of the product and/or service;
- a name, address and telephone number of the second web site;

- a date the product and/or service was purchased by the user;
- a price the user paid for the product and/or service; and
- a type of purchase price protection offered by the second web site.

6. In regards to **claims 3, 10, and 17**, the **combination of McClung and Thakur** discloses wherein the first determining step comprises the steps of:

visiting the second web site (**McClung Col. 4 Lines 8 – 30; Col. 5 Lines 41 – 54; Thakur Fig. 1, Page 5 – 6 ¶ 57, 61 – 64; Page 7 ¶ 74**);

selecting the product and/or service on the second web site (**McClung Column 4 Lines 8 – 30; Col. 5 Lines 41 – 54; Thakur Fig. 1, Page 5 – 6 ¶ 57, 61 – 64; Page 7 ¶ 74**); and

reading from the second web site a price associated with the product and/or service (**McClung Column 2 Lines 19 – 35; Col. 4 Lines 8 – 30; Col. 5 Lines 41 – 54; Thakur Fig. 1, Page 5 – 6 ¶ 57, 61 – 64; Page 7 ¶ 74**).

7. In regards to **claims 4, 11, and 18**, **McClung** discloses wherein the second determining step comprises the steps of:

determining a time period of the purchase price protection offered by the second web site for the product and/or service, the current time, the purchase price of the product and/or service, and the current price of the product and/or service at the second web site (**Column 4 Lines 8 – 30**); and

if the current time is within the time period of the purchase price protection and the purchase price of the product and/or service is greater than the price at the second

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web site, then determining that the user is due a purchase price protection refund

**(Column 1 Lines 39 – 45); and**

otherwise, determining that the user is not due a purchase price protection refund

**(inherently included).**

8. In regards to **claims 5, 12, and 19, McClung** discloses further comprising the step of:

the first web site providing directly to the user with information necessary for redeeming the refund that is due from the purchase price protection offered by the second web site, such that the user may redeem the refund directly from the second web site **(Columns 7 – 8 Lines 47 – 20).**

9. In regards to **claims 6, 13, and 20, McClung** discloses further comprising the steps of:

the first web site sending directly to the user a refund corresponding to the refund due from the purchase price protection offered by the second web site **(Claim 6); and**

the first web site redeeming from the second web site, on behalf of the user, the refund the user is due from the purchase price protection offered by the second web site **(inherently included).**

10. In regards to **claims 7 and 14, McClung** discloses wherein the first web site and the second web site are separate e-commerce web sites **(Column 1 Lines 53 – 60; Column 2 Lines 14 – 29).**

***Response to Arguments***

Applicant's arguments with respect to claims 1 – 20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA  
9/14/07



JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600